

PCS for HB 5005

ORIGINAL

YEAR

1 A bill to be entitled
2 An act relating to the deregulation of professions and
3 occupations; amending s. 20.165, F.S.; deleting provisions
4 establishing the Florida Board of Auctioneers, repealing
5 chapter 326, F.S., relating to the Yacht and Ship Brokers'
6 Act and the licensure of yacht and ship brokers and
7 salespersons; amending ss. 212.06 and 213.053, F.S., to
8 conform; repealing part VI of chapter 468, F.S., relating
9 to the licensure of auctioneers, apprentices, and auction
10 businesses, the Florida Board of Auctioneers, the
11 Auctioneer Recovery Fund, and the conduct of auctions;
12 amending s. 538.03, F.S., to conform; repealing part VII
13 of chapter 468, F.S., relating to the licensure and
14 regulation of talent agencies; repealing part IX of
15 chapter 468, F.S., relating to the licensure and
16 regulation of athlete agents; amending s. 477.0132, F.S.;
17 deleting provisions requiring the registration of persons
18 whose occupation or practice is confined solely to hair
19 braiding, hair wrapping, or body wrapping; providing that
20 the Florida Cosmetology Act does not apply to such
21 persons; amending ss. 477.019, 477.026, 477.0265, and
22 477.029, F.S., to conform; repealing ss. 481.2131 and
23 481.2251, F.S., relating to the practice of interior
24 design by registered interior designers and disciplinary
25 proceedings against registered interior designers;
26 deleting provisions relating to the registration of
27 interior designers and the regulation of interior design;
28 amending s. 481.201, F.S.; deleting legislative findings

PCS for HB 5005

ORIGINAL

YEAR

29 relating to the practice of interior design, to conform;
 30 amending s. 481.203, F.S.; revising definitions relating
 31 to the practice of architecture and deleting definitions
 32 relating to the practice of interior design; specifying
 33 that the practice of architecture includes interior
 34 design; amending s. 481.205, F.S.; changing the name of
 35 the Board of Architecture and Interior Design, to conform;
 36 revising membership of the board; conforming provisions;
 37 amending ss. 481.207, 481.209, 481.211, 481.213, 481.215,
 38 and 481.217, F.S., to conform; amending s. 481.219, F.S.;
 39 deleting provisions permitting the practice of or offer to
 40 practice interior design through certain business
 41 organizations; deleting provisions requiring certificates
 42 of authorization for certain business organizations
 43 offering interior design services to the public;
 44 conforming provisions; amending ss. 481.221, 481.222,
 45 481.223, 481.229, 481.231, and 553.79, F.S., to conform;
 46 amending s. 558.002, F.S.; revising definition of "design
 47 professional" for purposes of provisions relating to
 48 alternative dispute resolution of construction defects, to
 49 conform; amending 849.0935, F.S., to conform; repealing
 50 chapter 496, F.S., relating to the registration of
 51 professional fundraising consultants and professional
 52 solicitors and the regulation of solicitation of
 53 charitable contributions and charitable sales promotions;
 54 amending ss. 110.181, 316.2045, 320.023, 322.081, 413.033,
 55 550.0351, 550.1647, 741.0305, 775.0861, 790.166, 843.16,
 56 and 849.0935, F.S., to conform; repealing s. 500.459,

PCS for HB 5005

ORIGINAL

YEAR

57 F.S., relating to the regulation of water vending machines
 58 and the permitting of water vending machine operators;
 59 amending s. 500.511, F.S.; deleting provisions for the
 60 deposit of operator permitting fees, the enforcement of
 61 the state's water vending machine regulations, penalties,
 62 and the preemption of county and municipal water vending
 63 machine regulations, to conform; repealing ss. 501.012-
 64 501.019, F.S., relating to the registration of health
 65 studios and the regulation of health studio services;
 66 amending s. 501.165, F.S., to conform; repealing s.
 67 501.143, F.S., relating to the Dance Studio Act, the
 68 registration of ballroom dance studios, and the regulation
 69 of dance studio lessons and services; repealing s.
 70 205.1969, F.S., relating to the issuance by counties and
 71 municipalities of business tax receipts to health studios
 72 and ballroom dance studios, to conform; repealing part IV
 73 of chapter 501, F.S., relating to the Florida
 74 Telemarketing Act, the licensure of commercial telephone
 75 sellers and salespersons and the regulation of commercial
 76 telephone solicitation; repealing s. 205.1973, F.S.,
 77 relating to the issuance by counties and municipalities of
 78 business tax receipts to telemarketing businesses, to
 79 conform; amending ss. 501.165, 648.44, 772.102, and
 80 895.02, F.S., to conform; repealing chapter 507, F.S.,
 81 relating to the registration of movers and moving brokers
 82 and the regulation of household moving services; repealing
 83 s. 205.1975, F.S., relating to the issuance by counties
 84 and municipalities of business tax receipts to movers and

PCS for HB 5005

ORIGINAL

YEAR

85 moving brokers, to conform; amending s. 509.242, F.S.;
 86 revising the license classifications of public lodging
 87 establishments for purposes of provisions regulating such
 88 establishments; amending s. 509.221, F.S.; conforming a
 89 cross-reference; repealing chapter 555, F.S., relating to
 90 the regulation of outdoor theaters in which audiences view
 91 performances from parked vehicles; repealing part VIII of
 92 chapter 559, F.S., relating to the Sale of Business
 93 Opportunities Act and the regulation of certain business
 94 opportunities; repealing part IX of chapter 559, F.S.,
 95 relating to the registration of motor vehicle repair
 96 shops, the Motor Vehicle Repair Advisory Council, and the
 97 regulation of motor vehicle repair; amending ss. 320.27,
 98 445.025, and 713.585, F.S., to conform; repealing part XI
 99 of chapter 559, F.S., relating to the Florida Sellers of
 100 Travel Act, the registration of sellers of travel,
 101 certification of certain business activities, and the
 102 regulation of prearranged travel, tourist-related
 103 services, tour-guide services, and vacation certificates;
 104 repealing s. 205.1971, F.S., relating to the issuance by
 105 counties and municipalities of business tax receipts to
 106 sellers of travel, to conform; amending ss. 501.604,
 107 501.608, 636.044, and 721.11, F.S., to conform; repealing
 108 s. 686.201, F.S., relating to contracts with sales
 109 representatives involving commissions; repealing s.
 110 817.559, F.S., relating to the labeling of television
 111 picture tubes; providing an effective date.

PCS for HB 5005

ORIGINAL

YEAR

113 Be It Enacted by the Legislature of the State of Florida:
 114
 115 Section 1. Subsection (4) of section 20.165, Florida
 116 Statutes, are amended to read:
 117 20.165 Department of Business and Professional
 118 Regulation.—There is created a Department of Business and
 119 Professional Regulation.
 120 (4) (a) The following boards and programs are established
 121 within the Division of Professions:
 122 1. Board of Architecture ~~and Interior Design~~, created
 123 under part I of chapter 481.
 124 ~~2. Florida Board of Auctioneers, created under part VI of~~
 125 ~~chapter 468.~~
 126 2.3. Barbers' Board, created under chapter 476.
 127 3.4. Florida Building Code Administrators and Inspectors
 128 Board, created under part XII of chapter 468.
 129 4.5. Construction Industry Licensing Board, created under
 130 part I of chapter 489.
 131 5.6. Board of Cosmetology, created under chapter 477.
 132 6.7. Electrical Contractors' Licensing Board, created
 133 under part II of chapter 489.
 134 ~~7.8.~~ Board of Employee Leasing Companies, created under
 135 part XI of chapter 468.
 136 ~~8.9.~~ Board of Landscape Architecture, created under part
 137 II of chapter 481.
 138 ~~9.10.~~ Board of Pilot Commissioners, created under chapter
 139 310.
 140 ~~10.11.~~ Board of Professional Engineers, created under

PCS for HB 5005

ORIGINAL

YEAR

141 chapter 471.

142 ~~11.12.~~ Board of Professional Geologists, created under

143 chapter 492.

144 ~~12.13.~~ Board of Veterinary Medicine, created under chapter

145 474.

146 ~~13.14.~~ Home inspection services licensing program, created

147 under part XV of chapter 468.

148 14. Mold-related services licensing program, created under

149 part XVI of chapter 468.

150 (b) The following board and commission are established

151 within the Division of Real Estate:

152 1. Florida Real Estate Appraisal Board, created under part

153 II of chapter 475.

154 2. Florida Real Estate Commission, created under part I of

155 chapter 475.

156 (c) The following board is established within the Division

157 of Certified Public Accounting: Board of Accountancy, created

158 under chapter 473.

159 Section 2. Chapter 326, Florida Statutes, consisting of

160 sections 326.001, 326.002, 326.003, 326.004, 326.005, and

161 326.006, is repealed.

162 Section 3. Paragraph (e) of subsection (1) of section

163 212.06, Florida Statutes, is amended to read:

164 212.06 Sales, storage, use tax; collectible from dealers;

165 "dealer" defined; dealers to collect from purchasers;

166 legislative intent as to scope of tax.-

167 (1)

168 (e)1. Notwithstanding any other provision of this chapter,

PCS for HB 5005

ORIGINAL

YEAR

169 tax shall not be imposed on any vessel registered under s.
 170 328.52 by a vessel dealer or vessel manufacturer with respect to
 171 a vessel used solely for demonstration, sales promotional, or
 172 testing purposes. The term "promotional purposes" shall include,
 173 but not be limited to, participation in fishing tournaments. For
 174 the purposes of this paragraph, "promotional purposes" means the
 175 entry of the vessel in a marine-related event where prospective
 176 purchasers would be in attendance, where the vessel is entered
 177 in the name of the dealer or manufacturer, and where the vessel
 178 is clearly marked as for sale, on which vessel the name of the
 179 dealer or manufacturer is clearly displayed, and which vessel
 180 has never been transferred into the dealer's or manufacturer's
 181 accounting books from an inventory item to a capital asset for
 182 depreciation purposes.

183 2. The provisions of this paragraph do not apply to any
 184 vessel when used for transporting persons or goods for
 185 compensation; when offered, let, or rented to another for
 186 consideration; when offered for rent or hire as a means of
 187 transportation for compensation; or when offered or used to
 188 provide transportation for persons solicited through personal
 189 contact or through advertisement on a "share expense" basis.

190 3. Notwithstanding any other provision of this chapter,
 191 tax may not be imposed on any vessel imported into this state
 192 for the sole purpose of being offered for sale at retail by a
 193 yacht broker or yacht dealer ~~registered in this state~~ if the
 194 vessel remains under the care, custody, and control of the
 195 ~~registered~~ broker or dealer and the owner of the vessel does not
 196 make personal use of the vessel during that time. The provisions

PCS for HB 5005

ORIGINAL

YEAR

197 of this chapter govern the taxability of any sale or use of the
 198 vessel subsequent to its importation under this provision.

199 Section 4. Paragraph (i) of subsection (8) of section
 200 213.053, Florida Statutes, is amended to read:

201 213.053 Confidentiality and information sharing.—

202 (8) Notwithstanding any other provision of this section,
 203 the department may provide:

204 (i) Information relative to chapter ~~chapters~~ 212 and
 205 former chapter 326 to the Division of Florida Condominiums,
 206 Timeshares, and Mobile Homes of the Department of Business and
 207 Professional Regulation in the conduct of its official duties.

208
 209 Disclosure of information under this subsection shall be
 210 pursuant to a written agreement between the executive director
 211 and the agency. Such agencies, governmental or nongovernmental,
 212 shall be bound by the same requirements of confidentiality as
 213 the Department of Revenue. Breach of confidentiality is a
 214 misdemeanor of the first degree, punishable as provided by s.
 215 775.082 or s. 775.083.

216 Section 5. Part VI of chapter 468, Florida Statutes,
 217 consisting of sections 468.381, 468.382, 468.383, 468.384,
 218 468.385, 468.3851, 468.3852, 468.3855, 468.386, 468.387,
 219 468.388, 468.389, 468.391, 468.392, 468.393, 468.394, 468.395,
 220 468.396, 468.397, 468.398, and 468.399, is repealed.

221 Section 6. Paragraphs (m) through (q) of subsection (2) of
 222 section 538.03, Florida Statutes, are redesignated as paragraphs
 223 (l) through (p), respectively, and present paragraph (l) of that
 224 subsection is amended to read:

PCS for HB 5005

ORIGINAL

YEAR

225 538.03 Definitions; applicability.—
 226 (2) This chapter does not apply to:
 227 ~~(1) Any auction business as defined in s. 468.382(1).~~
 228 Section 7. Part VII of chapter 468, Florida Statutes,
 229 consisting of sections 468.401, 468.402, 468.403, 468.404,
 230 468.405, 468.406, 468.407, 468.408, 468.409, 468.410, 468.411,
 231 468.412, 468.413, 468.414, and 468.415, is repealed.
 232 Section 8. Part IX of chapter 468, Florida Statutes,
 233 consisting of sections 468.451, 468.452, 468.453, 468.4535,
 234 468.4536, 468.454, 468.456, 468.4561, 468.45615, 468.4562,
 235 468.4565, and 468.457, is repealed.
 236 Section 9. Section 477.0132, Florida Statutes, is amended
 237 to read:
 238 (Substantial rewording of section. See
 239 s. 477.0132, F.S., for present text.)
 240 477.0132 Hair braiding, hair wrapping, and body wrapping
 241 registration; application of chapter.—This chapter does not
 242 apply to a person whose occupation or practice is confined
 243 solely to hair braiding, hair wrapping, or body wrapping.
 244 Section 10. Subsection (7) of section 477.019, Florida
 245 Statutes, is amended to read:
 246 477.019 Cosmetologists; qualifications; licensure;
 247 supervised practice; license renewal; endorsement; continuing
 248 education.—
 249 (7) (a) The board shall prescribe by rule continuing
 250 education requirements intended to ensure protection of the
 251 public through updated training of licensees and registered
 252 specialists, not to exceed 16 hours biennially, as a condition

PCS for HB 5005

ORIGINAL

YEAR

253 | for renewal of a license or registration as a specialist under
 254 | this chapter. Continuing education courses shall include, but
 255 | not be limited to, the following subjects as they relate to the
 256 | practice of cosmetology: human immunodeficiency virus and
 257 | acquired immune deficiency syndrome; Occupational Safety and
 258 | Health Administration regulations; workers' compensation issues;
 259 | state and federal laws and rules as they pertain to
 260 | cosmetologists, cosmetology, salons, specialists, specialty
 261 | salons, and booth renters; chemical makeup as it pertains to
 262 | hair, skin, and nails; and environmental issues. Courses given
 263 | at cosmetology conferences may be counted toward the number of
 264 | continuing education hours required if approved by the board.

265 | ~~(b) Any person whose occupation or practice is confined~~
 266 | ~~solely to hair braiding, hair wrapping, or body wrapping is~~
 267 | ~~exempt from the continuing education requirements of this~~
 268 | ~~subsection.~~

269 | (b) ~~(e)~~ The board may, by rule, require any licensee in
 270 | violation of a continuing education requirement to take a
 271 | refresher course or refresher course and examination in addition
 272 | to any other penalty. The number of hours for the refresher
 273 | course may not exceed 48 hours.

274 | Section 11. Paragraph (f) of subsection (1) of section
 275 | 477.026, Florida Statutes, is amended to read:

276 | 477.026 Fees; disposition.—

277 | (1) The board shall set fees according to the following
 278 | schedule:

279 | ~~(f) For hair braiders, hair wrappers, and body wrappers,~~
 280 | ~~fees for registration shall not exceed \$25.~~

PCS for HB 5005

ORIGINAL

YEAR

281 Section 12. Paragraph (g) of subsection (1) of section
 282 477.0265, Florida Statutes, is amended to read:

283 477.0265 Prohibited acts.—

284 (1) It is unlawful for any person to:

285 (g) Advertise or imply that skin care services ~~or body~~
 286 ~~wrapping~~, as performed under this chapter, have any relationship
 287 to the practice of massage therapy as defined in s. 480.033(3),
 288 except those practices or activities defined in s. 477.013.

289 Section 13. Paragraphs (a) of subsection (1) of section
 290 477.029, Florida Statutes, is amended to read:

291 477.029 Penalty.—

292 (1) It is unlawful for any person to:

293 (a) Hold himself or herself out as a cosmetologist or
 294 specialist, ~~hair wrapper, hair braider, or body wrapper~~ unless
 295 duly licensed, ~~or~~ registered, or otherwise authorized, as
 296 provided in this chapter.

297 Section 14. Sections 481.2131 and 481.2251, Florida
 298 Statutes, are repealed.

299 Section 15. Section 481.201, Florida Statutes, is amended
 300 to read:

301 481.201 Purpose.—The primary legislative purpose for
 302 enacting this part is to ensure that every architect practicing
 303 in this state meets minimum requirements for safe practice. It
 304 is the legislative intent that architects who fall below minimum
 305 competency or who otherwise present a danger to the public shall
 306 be prohibited from practicing in this state. ~~The Legislature~~
 307 ~~further finds that it is in the interest of the public to limit~~
 308 ~~the practice of interior design to interior designers or~~

PCS for HB 5005

ORIGINAL

YEAR

309 ~~architects who have the design education and training required~~
 310 ~~by this part or to persons who are exempted from the provisions~~
 311 ~~of this part.~~

312 Section 16. Section 481.203, Florida Statutes, is amended
 313 to read:

314 481.203 Definitions.—As used in this part, the term:

315 (1)~~(3)~~ "Architect" or "registered architect" means a
 316 natural person who is licensed under this part to engage in the
 317 practice of architecture.

318 (2)~~(6)~~ "Architecture" means the rendering or offering to
 319 render services in connection with the design and construction
 320 of a structure or group of structures which have as their
 321 principal purpose human habitation or use, ~~and~~ the utilization
 322 of space within and surrounding such structures. These services
 323 include planning, providing preliminary study designs, drawings
 324 and specifications, job-site inspection, and administration of
 325 construction contracts.

326 (3)~~(1)~~ "Board" means the Board of Architecture ~~and~~
 327 ~~Interior Design.~~

328 (4)~~(5)~~ "Certificate of authorization" means a certificate
 329 issued by the department to a corporation or partnership to
 330 practice architecture ~~or interior design.~~

331 (5)~~(4)~~ "Certificate of registration" means a license
 332 issued by the department to a natural person to engage in the
 333 practice of architecture ~~or interior design.~~

334 (6)~~(2)~~ "Department" means the Department of Business and
 335 Professional Regulation.

336 (7)~~(15)~~ "Interior decorator services" includes the

PCS for HB 5005

ORIGINAL

YEAR

337 selection or assistance in selection of surface materials,
 338 window treatments, wallcoverings, paint, floor coverings,
 339 surface-mounted lighting, surface-mounted fixtures, and loose
 340 furnishings not subject to regulation under applicable building
 341 codes.

342 ~~(8) "Interior design" means designs, consultations,~~
 343 ~~studies, drawings, specifications, and administration of design~~
 344 ~~construction contracts relating to nonstructural interior~~
 345 ~~elements of a building or structure. "Interior design" includes,~~
 346 ~~but is not limited to, reflected ceiling plans, space planning,~~
 347 ~~furnishings, and the fabrication of nonstructural elements~~
 348 ~~within and surrounding interior spaces of buildings. "Interior~~
 349 ~~design" specifically excludes the design of or the~~
 350 ~~responsibility for architectural and engineering work, except~~
 351 ~~for specification of fixtures and their location within interior~~
 352 ~~spaces. As used in this subsection, "architectural and~~
 353 ~~engineering interior construction relating to the building~~
 354 ~~systems" includes, but is not limited to, construction of~~
 355 ~~structural, mechanical, plumbing, heating, air conditioning,~~
 356 ~~ventilating, electrical, or vertical transportation systems, or~~
 357 ~~construction which materially affects lifesafety systems~~
 358 ~~pertaining to firesafety protection such as fire-rated~~
 359 ~~separations between interior spaces, fire-rated vertical shafts~~
 360 ~~in multistory structures, fire-rated protection of structural~~
 361 ~~elements, smoke evacuation and compartmentalization, emergency~~
 362 ~~ingress or egress systems, and emergency alarm systems.~~

363 ~~(9) "Registered interior designer" or "interior designer"~~
 364 ~~means a natural person who is licensed under this part.~~

PCS for HB 5005

ORIGINAL

YEAR

365 ~~(10) "Nonstructural element" means an element which does~~
 366 ~~not require structural bracing and which is something other than~~
 367 ~~a load-bearing wall, load-bearing column, or other load-bearing~~
 368 ~~element of a building or structure which is essential to the~~
 369 ~~structural integrity of the building.~~

370 ~~(11) "Reflected ceiling plan" means a ceiling design plan~~
 371 ~~which is laid out as if it were projected downward and which may~~
 372 ~~include lighting and other elements.~~

373 ~~(12) "Space planning" means the analysis, programming, or~~
 374 ~~design of spatial requirements, including preliminary space~~
 375 ~~layouts and final planning.~~

376 ~~(13) "Common area" means an area that is held out for use~~
 377 ~~by all tenants or owners in a multiple-unit dwelling, including,~~
 378 ~~but not limited to, a lobby, elevator, hallway, laundry room,~~
 379 ~~clubhouse, or swimming pool.~~

380 ~~(14) "Diversified interior design experience" means~~
 381 ~~experience which substantially encompasses the various elements~~
 382 ~~of interior design services set forth under the definition of~~
 383 ~~"interior design" in subsection (8).~~

384 (8)~~(16)~~ "Responsible supervising control" means the
 385 exercise of direct personal supervision and control throughout
 386 the preparation of documents, instruments of service, or any
 387 other work requiring the seal and signature of a licensee under
 388 this part.

389 (9)~~(12)~~ "Space planning" means the analysis, programming,
 390 or design of spatial requirements, including preliminary space
 391 layouts and final planning.

392 (10)~~(7)~~ "Townhouse" is a single-family dwelling unit not

PCS for HB 5005

ORIGINAL

YEAR

393 | exceeding three stories in height which is constructed in a
 394 | series or group of attached units with property lines separating
 395 | such units. Each townhouse shall be considered a separate
 396 | building and shall be separated from adjoining townhouses by the
 397 | use of separate exterior walls meeting the requirements for zero
 398 | clearance from property lines as required by the type of
 399 | construction and fire protection requirements; or shall be
 400 | separated by a party wall; or may be separated by a single wall
 401 | meeting the following requirements:

402 | (a) Such wall shall provide not less than 2 hours of fire
 403 | resistance. Plumbing, piping, ducts, or electrical or other
 404 | building services shall not be installed within or through the
 405 | 2-hour wall unless such materials and methods of penetration
 406 | have been tested in accordance with the Standard Building Code.

407 | (b) Such wall shall extend from the foundation to the
 408 | underside of the roof sheathing, and the underside of the roof
 409 | shall have at least 1 hour of fire resistance for a width not
 410 | less than 4 feet on each side of the wall.

411 | (c) Each dwelling unit sharing such wall shall be designed
 412 | and constructed to maintain its structural integrity independent
 413 | of the unit on the opposite side of the wall.

414 | Section 17. Subsection (1) and paragraph (a) of subsection
 415 | (3) of section 481.205, Florida Statutes, are amended to read:

416 | 481.205 Board of Architecture ~~and Interior Design~~.—

417 | (1) The Board of Architecture ~~and Interior Design~~ is
 418 | created within the Department of Business and Professional
 419 | Regulation. The board shall consist of seven ~~11~~ members. Five
 420 | members must be registered architects who have been engaged in

PCS for HB 5005

ORIGINAL

YEAR

421 the practice of architecture for at least 5 years; ~~three members~~
 422 ~~must be registered interior designers who have been offering~~
 423 ~~interior design services for at least 5 years and who are not~~
 424 ~~also registered architects;~~ and two ~~three~~ members must be
 425 laypersons who are not, and have never been, architects,
 426 ~~interior designers,~~ or members of any closely related profession
 427 or occupation. At least one member of the board must be 60 years
 428 of age or older.

429 (3) (a) Notwithstanding the provisions of ss. 455.225,
 430 455.228, and 455.32, the duties and authority of the department
 431 to receive complaints and investigate and discipline persons
 432 licensed under this part, including the ability to determine
 433 legal sufficiency and probable cause; to initiate proceedings
 434 and issue final orders for summary suspension or restriction of
 435 a license pursuant to s. 120.60(6); to issue notices of
 436 noncompliance, notices to cease and desist, subpoenas, and
 437 citations; to retain legal counsel, investigators, or
 438 prosecutorial staff in connection with the licensed practice of
 439 architecture ~~and interior design;~~ and to investigate and deter
 440 the unlicensed practice of architecture ~~and interior design~~ as
 441 provided in s. 455.228 are delegated to the board. All
 442 complaints and any information obtained pursuant to an
 443 investigation authorized by the board are confidential and
 444 exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

445 Section 18. Section 481.207, Florida Statutes, is amended
 446 to read:

447 481.207 Fees.—The board, by rule, may establish separate
 448 fees for architects ~~and interior designers,~~ to be paid for

PCS for HB 5005

ORIGINAL

YEAR

449 applications, examination, reexamination, licensing and renewal,
 450 delinquency, reinstatement, and recordmaking and recordkeeping.
 451 The examination fee shall be in an amount that covers the cost
 452 of obtaining and administering the examination and shall be
 453 refunded if the applicant is found ineligible to sit for the
 454 examination. The application fee is nonrefundable. The fee for
 455 initial application and examination for architects ~~and interior~~
 456 ~~designers~~ may not exceed \$775 plus the actual per applicant cost
 457 to the department for purchase of the examination from the
 458 National Council of Architectural Registration Boards ~~or the~~
 459 ~~National Council of Interior Design Qualifications,~~
 460 ~~respectively,~~ or similar national organizations. The biennial
 461 renewal fee for architects may not exceed \$200. ~~The biennial~~
 462 ~~renewal fee for interior designers may not exceed \$500.~~ The
 463 delinquency fee may not exceed the biennial renewal fee
 464 established by the board for an active license. The board shall
 465 establish fees that are adequate to ensure the continued
 466 operation of the board and to fund the proportionate expenses
 467 incurred by the department which are allocated to the regulation
 468 of architects ~~and interior designers~~. Fees shall be based on
 469 department estimates of the revenue required to implement this
 470 part and the provisions of law with respect to the regulation of
 471 architects ~~and interior designers~~.

472 Section 19. Section 481.209, Florida Statutes, is amended
 473 to read:

474 481.209 Examinations.-

475 ~~(1)~~ A person desiring to be licensed as a registered
 476 architect shall apply to the department to take the licensure

PCS for HB 5005

ORIGINAL

YEAR

477 examination. The department shall administer the licensure
 478 examination for architects to each applicant who the board
 479 certifies:

480 (1)~~(a)~~ Has completed the application form and remitted a
 481 nonrefundable application fee and an examination fee which is
 482 refundable if the applicant is found to be ineligible to take
 483 the examination;

484 (2) (a)~~(b)1.~~ Is a graduate of a school or college of
 485 architecture accredited by the National Architectural
 486 Accreditation Board; or

487 (b)2. Is a graduate of an approved architectural
 488 curriculum, evidenced by a degree from an unaccredited school or
 489 college of architecture approved by the board. The board shall
 490 adopt rules providing for the review and approval of
 491 unaccredited schools and colleges of architecture and courses of
 492 architectural study based on a review and inspection by the
 493 board of the curriculum of accredited schools and colleges of
 494 architecture in the United States; and

495 (3)~~(e)~~ Has completed, prior to examination, 1 year of the
 496 internship experience required by s. 481.211(1).

497 ~~(2) A person desiring to be licensed as a registered
 498 interior designer shall apply to the department for licensure.
 499 The department shall administer the licensure examination for
 500 interior designers to each applicant who has completed the
 501 application form and remitted the application and examination
 502 fees specified in s. 481.207 and who the board certifies:~~

503 ~~(a) Is a graduate from an interior design program of 5
 504 years or more and has completed 1 year of diversified interior~~

PCS for HB 5005

ORIGINAL

YEAR

505 ~~design experience;~~
 506 ~~(b) Is a graduate from an interior design program of 4~~
 507 ~~years or more and has completed 2 years of diversified interior~~
 508 ~~design experience;~~
 509 ~~(c) Has completed at least 3 years in an interior design~~
 510 ~~curriculum and has completed 3 years of diversified interior~~
 511 ~~design experience; or~~
 512 ~~(d) Is a graduate from an interior design program of at~~
 513 ~~least 2 years and has completed 4 years of diversified interior~~
 514 ~~design experience.~~
 515
 516 ~~Subsequent to October 1, 2000, for the purpose of having the~~
 517 ~~educational qualification required under this subsection~~
 518 ~~accepted by the board, the applicant must complete his or her~~
 519 ~~education at a program, school, or college of interior design~~
 520 ~~whose curriculum has been approved by the board as of the time~~
 521 ~~of completion. Subsequent to October 1, 2003, all of the~~
 522 ~~required amount of educational credits shall have been obtained~~
 523 ~~in a program, school, or college of interior design whose~~
 524 ~~curriculum has been approved by the board, as of the time each~~
 525 ~~educational credit is gained. The board shall adopt rules~~
 526 ~~providing for the review and approval of programs, schools, and~~
 527 ~~colleges of interior design and courses of interior design study~~
 528 ~~based on a review and inspection by the board of the curriculum~~
 529 ~~of programs, schools, and colleges of interior design in the~~
 530 ~~United States, including those programs, schools, and colleges~~
 531 ~~accredited by the Foundation for Interior Design Education~~
 532 ~~Research. The board shall adopt rules providing for the review~~

PCS for HB 5005

ORIGINAL

YEAR

533 ~~and approval of diversified interior design experience required~~
 534 ~~by this subsection.~~

535 Section 20. Subsection (2) of section 481.211, Florida
 536 Statutes, is amended to read:

537 481.211 Architecture internship required.—

538 (2) Each applicant for licensure shall complete 1 year of
 539 the internship experience required by this section subsequent to
 540 graduation from a school or college of architecture as defined
 541 in s. 481.209~~(1)~~.

542 Section 21. Subsections (1) through (4) of section
 543 481.213, Florida Statutes, are amended to read:

544 481.213 Licensure.—

545 (1) The department shall license any applicant who the
 546 board certifies is qualified for licensure and who has paid the
 547 initial licensure fee. ~~Licensure as an architect under this~~
 548 ~~section shall be deemed to include all the rights and privileges~~
 549 ~~of licensure as an interior designer under this section.~~

550 (2) The board shall certify for licensure by examination
 551 any applicant who passes the prescribed licensure examination
 552 and satisfies the requirements of ss. 481.209 and 481.211, for
 553 architects, ~~or the requirements of s. 481.209, for interior~~
 554 ~~designers.~~

555 (3) The board shall certify as qualified for a license by
 556 endorsement as an architect ~~or as an interior designer~~ an
 557 applicant who:

558 (a) Qualifies to take the prescribed licensure
 559 examination, and has passed the prescribed licensure examination
 560 or a substantially equivalent examination in another

PCS for HB 5005

ORIGINAL

YEAR

561 jurisdiction, as set forth in s. 481.209 for architects ~~or~~
 562 ~~interior designers, as applicable,~~ and has satisfied the
 563 internship requirements set forth in s. 481.211 for architects;

564 (b) Holds a valid license to practice architecture ~~or~~
 565 ~~interior design~~ issued by another jurisdiction of the United
 566 States, if the criteria for issuance of such license were
 567 substantially equivalent to the licensure criteria that existed
 568 in this state at the time the license was issued; ~~provided,~~
 569 ~~however, that an applicant who has been licensed for use of the~~
 570 ~~title "interior design" rather than licensed to practice~~
 571 ~~interior design shall not qualify hereunder; or~~

572 (c) Has passed the prescribed licensure examination and
 573 holds a valid certificate issued by the National Council of
 574 Architectural Registration Boards, and holds a valid license to
 575 practice architecture issued by another state or jurisdiction of
 576 the United States. For the purposes of this paragraph, any
 577 applicant licensed in another state or jurisdiction after June
 578 30, 1984, must also hold a degree in architecture and such
 579 degree must be equivalent to that required in s.
 580 481.209(2)(1) ~~(b)~~. Also for the purposes of this paragraph, any
 581 applicant licensed in another state or jurisdiction after June
 582 30, 1985, must have completed an internship equivalent to that
 583 required by s. 481.211 and any rules adopted with respect
 584 thereto.

585 (4) The board may refuse to certify any applicant who has
 586 violated any of the provisions of s. 481.223, or s. 481.225, ~~or~~
 587 ~~s. 481.2251,~~ as applicable.

588 Section 22. Subsections (3) and (5) of section 481.215,

PCS for HB 5005

ORIGINAL

YEAR

589 Florida Statutes, are amended to read:

590 481.215 Renewal of license.—

591 (3) A ~~No~~ license renewal may not ~~shall~~ be issued to an
 592 architect ~~or an interior designer~~ by the department until the
 593 licensee submits proof satisfactory to the department that,
 594 during the 2 years before ~~prior to~~ application for renewal, the
 595 licensee participated per biennium in not less than 20 hours of
 596 at least 50 minutes each per biennium of continuing education
 597 approved by the board. The board shall approve only continuing
 598 education that builds upon the basic knowledge of architecture
 599 ~~or interior design~~. The board may make exception from the
 600 requirements of continuing education in emergency or hardship
 601 cases.

602 (5) The board shall require, by rule adopted pursuant to
 603 ss. 120.536(1) and 120.54, a specified number of hours in
 604 specialized or advanced courses, approved by the Florida
 605 Building Commission, on any portion of the Florida Building
 606 Code, adopted pursuant to part IV of chapter 553, relating to
 607 the licensee's ~~respective~~ area of practice.

608 Section 23. Subsection (1) of section 481.217, Florida
 609 Statutes, is amended to read:

610 481.217 Inactive status.—

611 (1) The board may prescribe by rule continuing education
 612 requirements as a condition of reactivating a license. The
 613 continuing education requirements for reactivating a license for
 614 a registered architect may not exceed 12 contact hours for each
 615 year the license was inactive. ~~The minimum continuing education~~
 616 ~~requirement for reactivating a license for a registered interior~~

PCS for HB 5005

ORIGINAL

YEAR

617 ~~designer shall be those of the most recent biennium plus one~~
 618 ~~half of the requirements in s. 481.215 for each year or part~~
 619 ~~thereof during which the license was inactive. The board shall~~
 620 ~~only approve continuing education that builds upon the basic~~
 621 ~~knowledge of interior design.~~

622 Section 24. Section 481.219, Florida Statutes, is amended
 623 to read:

624 481.219 Certification of partnerships, limited liability
 625 companies, and corporations.—

626 (1) The practice of or the offer to practice architecture
 627 ~~or interior design~~ by licensees through a corporation, limited
 628 liability company, or partnership offering architectural ~~or~~
 629 ~~interior design~~ services to the public, or by a corporation,
 630 limited liability company, or partnership offering architectural
 631 ~~or interior design~~ services to the public through licensees
 632 under this part as agents, employees, officers, or partners, is
 633 permitted, subject to ~~the provisions of~~ this section.

634 (2) For the purposes of this section, a certificate of
 635 authorization is ~~shall be~~ required for a corporation, limited
 636 liability company, partnership, or person practicing under a
 637 fictitious name, offering architectural services to the public
 638 jointly or separately. However, when an individual is practicing
 639 architecture in her or his own name, she or he is ~~shall not be~~
 640 required to be certified under this section. ~~Certification under~~
 641 ~~this subsection to offer architectural services shall include~~
 642 ~~all the rights and privileges of certification under subsection~~
 643 ~~(3) to offer interior design services.~~

644 ~~(3) For the purposes of this section, a certificate of~~

PCS for HB 5005

ORIGINAL

YEAR

645 ~~authorization shall be required for a corporation, limited~~
 646 ~~liability company, partnership, or person operating under a~~
 647 ~~fictitious name, offering interior design services to the public~~
 648 ~~jointly or separately. However, when an individual is practicing~~
 649 ~~interior design in her or his own name, she or he shall not be~~
 650 ~~required to be certified under this section.~~

651 (3)~~(4)~~ All final construction documents and instruments of
 652 service which include drawings, specifications, plans, reports,
 653 or other papers or documents involving the practice of
 654 architecture which are prepared or approved for the use of the
 655 corporation, limited liability company, or partnership and filed
 656 for public record within the state shall bear the signature and
 657 seal of the licensee who prepared or approved them and the date
 658 on which they were sealed.

659 ~~(5) All drawings, specifications, plans, reports, or other~~
 660 ~~papers or documents prepared or approved for the use of the~~
 661 ~~corporation, limited liability company, or partnership by an~~
 662 ~~interior designer in her or his professional capacity and filed~~
 663 ~~for public record within the state shall bear the signature and~~
 664 ~~seal of the licensee who prepared or approved them and the date~~
 665 ~~on which they were sealed.~~

666 (4)~~(6)~~ The department shall issue a certificate of
 667 authorization to any applicant who the board certifies as
 668 qualified for a certificate of authorization and who has paid
 669 the fee set in s. 481.207.

670 (5)~~(7)~~ The board shall certify an applicant as qualified
 671 for a certificate of authorization to offer architectural ~~or~~
 672 ~~interior design~~ services, provided that:

PCS for HB 5005

ORIGINAL

YEAR

673 ~~(a)~~ one or more of the principal officers of the
 674 corporation or limited liability company, or one or more
 675 partners of the partnership, and all personnel of the
 676 corporation, limited liability company, or partnership who act
 677 in its behalf in this state as architects, are registered as
 678 provided by this part; ~~or~~

679 ~~(b) One or more of the principal officers of the~~
 680 ~~corporation or one or more partners of the partnership, and all~~
 681 ~~personnel of the corporation, limited liability company, or~~
 682 ~~partnership who act in its behalf in this state as interior~~
 683 ~~designers, are registered as provided by this part.~~

684 (6)~~(8)~~ The department shall adopt rules establishing a
 685 procedure for the biennial renewal of certificates of
 686 authorization.

687 (7)~~(9)~~ The department shall renew a certificate of
 688 authorization upon receipt of the renewal application and
 689 biennial renewal fee.

690 (8)~~(10)~~ Each partnership, limited liability company, and
 691 corporation certified under this section shall notify the
 692 department within 30 days of any change in the information
 693 contained in the application upon which the certification is
 694 based. Any registered architect ~~or interior designer~~ who
 695 qualifies the corporation, limited liability company, or
 696 partnership as provided in subsection (6) ~~(7)~~ shall be
 697 responsible for ensuring responsible supervising control of
 698 projects of the entity and upon termination of her or his
 699 employment with a partnership, limited liability company, or
 700 corporation certified under this section shall notify the

PCS for HB 5005

ORIGINAL

YEAR

701 department of the termination within 30 days.

702 ~~(9)(11)~~ A ~~Ne~~ corporation, limited liability company, or
 703 partnership may not shall be relieved of responsibility for the
 704 conduct or acts of its agents, employees, or officers by reason
 705 of its compliance with this section. However, the architect who
 706 signs and seals the construction documents and instruments of
 707 service is shall be liable for the professional services
 708 performed, ~~and the interior designer who signs and seals the~~
 709 ~~interior design drawings, plans, or specifications shall be~~
 710 ~~liable for the professional services performed.~~

711 ~~(10)(12)~~ Disciplinary action against a corporation,
 712 limited liability company, or partnership shall be administered
 713 in the same manner and on the same grounds as disciplinary
 714 action against a registered architect ~~or interior designer,~~
 715 ~~respectively.~~

716 ~~(11)(13)~~ Nothing in This section does not shall be
 717 ~~construed to~~ mean that a certificate of registration to practice
 718 architecture ~~or interior design~~ shall be held by a corporation,
 719 limited liability company, or partnership. ~~Nothing in~~ This
 720 section does not prohibit prohibits corporations, limited
 721 liability companies, and partnerships from joining together to
 722 offer architectural, engineering, ~~interior design,~~ surveying and
 723 mapping, and landscape architectural services, or any
 724 combination of such services, to the public, provided that each
 725 corporation, limited liability company, or partnership otherwise
 726 meets the requirements of law.

727 ~~(14)~~ ~~Corporations, limited liability companies, or~~
 728 ~~partnerships holding a valid certificate of authorization to~~

PCS for HB 5005

ORIGINAL

YEAR

729 ~~practice architecture shall be permitted to use in their title~~
 730 ~~the term "interior designer" or "registered interior designer."~~

731 Section 25. Section 481.221, Florida Statutes, is amended
 732 to read:

733 481.221 Seals; display of certificate number.—

734 (1) The board shall prescribe, by rule, one or more forms
 735 of seals to be used by registered architects holding valid
 736 certificates of registration.

737 (2) Each registered architect shall obtain one seal in a
 738 form approved by rule of the board and may, in addition,
 739 register her or his seal electronically in accordance with ss.
 740 668.001-668.006. All final construction documents and
 741 instruments of service which include drawings, plans,
 742 specifications, or reports prepared or issued by the registered
 743 architect and being filed for public record shall bear the
 744 signature and seal of the registered architect who prepared or
 745 approved the document and the date on which they were sealed.
 746 The signature, date, and seal shall be evidence of the
 747 authenticity of that to which they are affixed. Final plans,
 748 specifications, or reports prepared or issued by a registered
 749 architect may be transmitted electronically and may be signed by
 750 the registered architect, dated, and sealed electronically with
 751 the seal in accordance with ss. 668.001-668.006.

752 ~~(3) The board shall adopt a rule prescribing the~~
 753 ~~distinctly different seals to be used by registered interior~~
 754 ~~designers holding valid certificates of registration. Each~~
 755 ~~registered interior designer shall obtain a seal as prescribed~~
 756 ~~by the board, and all drawings, plans, specifications, or~~

PCS for HB 5005

ORIGINAL

YEAR

757 ~~reports prepared or issued by the registered interior designer~~
 758 ~~and being filed for public record shall bear the signature and~~
 759 ~~seal of the registered interior designer who prepared or~~
 760 ~~approved the document and the date on which they were sealed.~~
 761 ~~The signature, date, and seal shall be evidence of the~~
 762 ~~authenticity of that to which they are affixed. Final plans,~~
 763 ~~specifications, or reports prepared or issued by a registered~~
 764 ~~interior designer may be transmitted electronically and may be~~
 765 ~~signed by the registered interior designer, dated, and sealed~~
 766 ~~electronically with the seal in accordance with ss. 668.001-~~
 767 ~~668.006.~~

768 (3)~~(4)~~ No registered architect shall affix, or permit to
 769 be affixed, her or his seal or signature to any final
 770 construction document or instrument of service which includes
 771 any plan, specification, drawing, or other document which
 772 depicts work which she or he is not competent to perform.

773 ~~(5) No registered interior designer shall affix, or permit~~
 774 ~~to be affixed, her or his seal or signature to any plan,~~
 775 ~~specification, drawing, or other document which depicts work~~
 776 ~~which she or he is not competent or licensed to perform.~~

777 ~~(7) No registered interior designer shall affix her or his~~
 778 ~~signature or seal to any plans, specifications, or other~~
 779 ~~documents which were not prepared by her or him or under her or~~
 780 ~~his responsible supervising control or by another registered~~
 781 ~~interior designer and reviewed, approved, or modified and~~
 782 ~~adopted by her or him as her or his own work according to rules~~
 783 ~~adopted by the board.~~

784 ~~(9) Studies, drawings, specifications, and other related~~

PCS for HB 5005

ORIGINAL

YEAR

785 ~~documents prepared by a registered interior designer in~~
 786 ~~providing interior design services shall be of a sufficiently~~
 787 ~~high standard to clearly and accurately indicate all essential~~
 788 ~~parts of the work to which they refer.~~

789 (4)~~(10)~~ Each registered architect and each ~~or interior~~
 790 ~~designer, and each~~ corporation, limited liability company, or
 791 partnership holding a certificate of authorization, shall
 792 include its certificate number in any newspaper, telephone
 793 directory, or other advertising medium used by the registered
 794 architect, ~~interior designer,~~ corporation, limited liability
 795 company, or partnership. A corporation, limited liability
 796 company, or partnership is not required to display the
 797 certificate number of individual registered architects ~~or~~
 798 ~~interior designers~~ employed by or working within the
 799 corporation, limited liability company, or partnership.

800 (5)~~(11)~~ When the certificate of registration of a
 801 registered architect ~~or interior designer~~ has been revoked or
 802 suspended by the board, the registered architect ~~or interior~~
 803 ~~designer~~ shall surrender her or his seal to the secretary of the
 804 board within a period of 30 days after the revocation or
 805 suspension has become effective. If the certificate of the
 806 registered architect ~~or interior designer~~ has been suspended for
 807 a period of time, her or his seal shall be returned to her or
 808 him upon expiration of the suspension period.

809 (6)~~(12)~~ A person may not sign and seal by any means any
 810 final plan, specification, or report after her or his
 811 certificate of registration has expired or is suspended or
 812 revoked. A registered architect ~~or interior designer~~ whose

PCS for HB 5005

ORIGINAL

YEAR

813 certificate of registration is suspended or revoked shall,
 814 within 30 days after the effective date of the suspension or
 815 revocation, surrender her or his seal to the executive director
 816 of the board and confirm in writing to the executive director
 817 the cancellation of the registered architect's ~~or interior~~
 818 ~~designer's~~ electronic signature in accordance with ss. 668.001-
 819 668.006. When a registered architect's ~~or interior designer's~~
 820 certificate of registration is suspended for a period of time,
 821 her or his seal shall be returned upon expiration of the period
 822 of suspension.

823 Section 26. Section 481.222, Florida Statutes, is amended
 824 to read:

825 481.222 Architects performing building code inspection
 826 services.—Notwithstanding any other provision of law, a person
 827 who is currently licensed to practice as an architect under this
 828 part may provide building code inspection services described in
 829 s. 468.603(6) and (7) to a local government or state agency upon
 830 its request, without being certified by the Florida Building
 831 Code Administrators and Inspectors Board under part XII of
 832 chapter 468. With respect to the performance of such building
 833 code inspection services, the architect is subject to the
 834 disciplinary guidelines of this part and s. 468.621(1)(c)-(h).
 835 Any complaint processing, investigation, and discipline that
 836 arise out of an architect's performance of building code
 837 inspection services shall be conducted by the Board of
 838 Architecture ~~and Interior Design~~ rather than the Florida
 839 Building Code Administrators and Inspectors Board. An architect
 840 may not perform plans review as an employee of a local

PCS for HB 5005

ORIGINAL

YEAR

841 government upon any job that the architect or the architect's
842 company designed.

843 Section 27. Section 481.223, Florida Statutes, are amended
844 to read:

845 481.223 Prohibitions; penalties; injunctive relief.-

846 (1) A person may not knowingly:

847 (a) Practice architecture unless the person is an
848 architect or a registered architect; however, a licensed
849 architect who has been licensed by the board and who chooses to
850 relinquish or not to renew his or her license may use the title
851 "Architect, Retired" but may not otherwise render any
852 architectural services.

853 ~~(b) Practice interior design unless the person is a~~
854 ~~registered interior designer unless otherwise exempted herein;~~
855 ~~however, an interior designer who has been licensed by the board~~
856 ~~and who chooses to relinquish or not to renew his or her license~~
857 ~~may use the title "Interior Designer, Retired" but may not~~
858 ~~otherwise render any interior design services.~~

859 (b)-(e) Use the name or title "architect" or "registered
860 architect," ~~or "interior designer" or "registered interior~~
861 ~~designer,"~~ or words to that effect, when the person is not then
862 the holder of a valid license issued pursuant to this part.

863 (c)-(d) Present as his or her own the license of another.

864 (d)-(e) Give false or forged evidence to the board or a
865 member thereof.

866 (e)-(f) Use or attempt to use an architect ~~or interior~~
867 ~~designer~~ license that has been suspended, revoked, or placed on
868 inactive or delinquent status.

PCS for HB 5005

ORIGINAL

YEAR

869 (f) ~~(g)~~ Employ unlicensed persons to practice architecture
 870 ~~or interior design.~~

871 (g) ~~(h)~~ Conceal information relative to violations of this
 872 part.

873 (2) Any person who violates any provision of subsection
 874 (1) commits a misdemeanor of the first degree, punishable as
 875 provided in s. 775.082 or s. 775.083.

876 (3) (a) Notwithstanding chapter 455 or any other law to the
 877 contrary, an affected person may maintain an action for
 878 injunctive relief to restrain or prevent a person from violating
 879 paragraph (1) (a), ~~paragraph (1) (b),~~ or paragraph (1) (b) ~~(c)~~. The
 880 prevailing party is entitled to actual costs and attorney's
 881 fees.

882 (b) For purposes of this subsection, the term "affected
 883 person" means a person directly affected by the actions of a
 884 person suspected of violating paragraph (1) (a), ~~paragraph~~
 885 ~~(1) (b),~~ or paragraph (1) (b) ~~(c)~~ and includes, but is not limited
 886 to, the department, any person who received services from the
 887 alleged violator, or any private association composed primarily
 888 of members of the profession the alleged violator is practicing
 889 or offering to practice or holding himself or herself out as
 890 qualified to practice.

891 Section 28. Subsections (5) through (8) of section
 892 481.229, Florida Statutes, are amended to read:

893 481.229 Exceptions; exemptions from licensure.—

894 ~~(5) (a) Nothing contained in this part shall prevent a~~
 895 ~~registered architect or a partnership, limited liability~~
 896 ~~company, or corporation holding a valid certificate of~~

PCS for HB 5005

ORIGINAL

YEAR

897 ~~authorization to provide architectural services from performing~~
 898 ~~any interior design service or from using the title "interior~~
 899 ~~designer" or "registered interior designer."~~

900 ~~(b) Notwithstanding any other provision of this part, all~~
 901 ~~persons licensed as architects under this part shall be~~
 902 ~~qualified for interior design licensure upon submission of a~~
 903 ~~completed application for such license and a fee not to exceed~~
 904 ~~\$30. Such persons shall be exempt from the requirements of s.~~
 905 ~~481.209(2). For architects licensed as interior designers,~~
 906 ~~satisfaction of the requirements for renewal of licensure as an~~
 907 ~~architect under s. 481.215 shall be deemed to satisfy the~~
 908 ~~requirements for renewal of licensure as an interior designer~~
 909 ~~under that section. Complaint processing, investigation, or~~
 910 ~~other discipline-related legal costs related to persons licensed~~
 911 ~~as interior designers under this paragraph shall be assessed~~
 912 ~~against the architects' account of the Regulatory Trust Fund.~~

913 ~~(c) Notwithstanding any other provision of this part, any~~
 914 ~~corporation, partnership, or person operating under a fictitious~~
 915 ~~name which holds a certificate of authorization to provide~~
 916 ~~architectural services shall be qualified, without fee, for a~~
 917 ~~certificate of authorization to provide interior design services~~
 918 ~~upon submission of a completed application therefor. For~~
 919 ~~corporations, partnerships, and persons operating under a~~
 920 ~~fictitious name which hold a certificate of authorization to~~
 921 ~~provide interior design services, satisfaction of the~~
 922 ~~requirements for renewal of the certificate of authorization to~~
 923 ~~provide architectural services under s. 481.219 shall be deemed~~
 924 ~~to satisfy the requirements for renewal of the certificate of~~

PCS for HB 5005

ORIGINAL

YEAR

925 ~~authorization to provide interior design services under that~~
 926 ~~section.~~

927 ~~(6) This part shall not apply to:~~

928 ~~(a) A person who performs interior design services or~~
 929 ~~interior decorator services for any residential application,~~
 930 ~~provided that such person does not advertise as, or represent~~
 931 ~~himself or herself as, an interior designer. For purposes of~~
 932 ~~this paragraph, "residential applications" includes all types of~~
 933 ~~residences, including, but not limited to, residence buildings,~~
 934 ~~single-family homes, multifamily homes, townhouses, apartments,~~
 935 ~~condominiums, and domestic outbuildings appurtenant to one-~~
 936 ~~family or two-family residences. However, "residential~~
 937 ~~applications" does not include common areas associated with~~
 938 ~~instances of multiple-unit dwelling applications.~~

939 ~~(b) An employee of a retail establishment providing~~
 940 ~~"interior decorator services" on the premises of the retail~~
 941 ~~establishment or in the furtherance of a retail sale or~~
 942 ~~prospective retail sale, provided that such employee does not~~
 943 ~~advertise as, or represent himself or herself as, an interior~~
 944 ~~designer.~~

945 ~~(7) Nothing in this part shall be construed as authorizing~~
 946 ~~or permitting an interior designer to engage in the business of,~~
 947 ~~or to act as, a contractor within the meaning of chapter 489,~~
 948 ~~unless registered or certified as a contractor pursuant to~~
 949 ~~chapter 489.~~

950 ~~(5)~~(8) A manufacturer of commercial food service equipment
 951 or the manufacturer's representative, distributor, or dealer or
 952 an employee thereof, who prepares designs, specifications, or

PCS for HB 5005

ORIGINAL

YEAR

953 layouts for the sale or installation of such equipment is exempt
 954 from licensure as an architect ~~or interior designer~~, if:

955 (a) The designs, specifications, or layouts are not used
 956 for construction or installation that may affect structural,
 957 mechanical, plumbing, heating, air conditioning, ventilating,
 958 electrical, or vertical transportation systems.

959 (b) The designs, specifications, or layouts do not
 960 materially affect lifesafety systems pertaining to firesafety
 961 protection, smoke evacuation and compartmentalization, and
 962 emergency ingress or egress systems.

963 (c) Each design, specification, or layout document
 964 prepared by a person or entity exempt under this subsection
 965 contains a statement on each page of the document that the
 966 designs, specifications, or layouts are not architectural,
 967 ~~interior design~~, or engineering designs, specifications, or
 968 layouts and not used for construction unless reviewed and
 969 approved by a licensed architect or engineer.

970 Section 29. Subsection (1) of section 481.231, Florida
 971 Statutes, is amended to read:

972 481.231 Effect of part locally.-

973 (1) ~~Nothing in~~ This part does not ~~shall be construed to~~
 974 repeal, amend, limit, or otherwise affect any specific provision
 975 of any local building code or zoning law or ordinance that has
 976 been duly adopted, now or hereafter enacted, which is more
 977 restrictive, with respect to the services of registered
 978 architects ~~or registered interior designers~~, than the provisions
 979 of this part; ~~provided, however, that a licensed architect shall~~
 980 ~~be deemed licensed as an interior designer for purposes of~~

PCS for HB 5005

ORIGINAL

YEAR

981 ~~offering or rendering interior design services to a county,~~
 982 ~~municipality, or other local government or political~~
 983 ~~subdivision.~~

984 Section 30. Paragraph (c) of subsection (5) of section
 985 553.79, Florida Statutes, is amended to read:

986 553.79 Permits; applications; issuance; inspections.-
 987 (5)

988 (c) The architect or engineer of record may act as the
 989 special inspector provided she or he is on the Board of
 990 Professional Engineers' or the Board of Architecture's
 991 ~~Architecture and Interior Design's~~ list of persons qualified to
 992 be special inspectors. School boards may utilize employees as
 993 special inspectors provided such employees are on one of the
 994 professional licensing board's list of persons qualified to be
 995 special inspectors.

996 Section 31. Subsection (7) of section 558.002, Florida
 997 Statutes, is amended to read:

998 558.002 Definitions.-As used in this chapter, the term:

999 (7) "Design professional" means a person, as defined in s.
 1000 1.01, who is licensed in this state as an architect, interior
 1001 designer, landscape architect, engineer, or surveyor.

1002 Section 32. Subsection (2) of section 849.0935, Florida
 1003 Statutes, is amended to read:

1004 849.0935 Charitable, nonprofit organizations; drawings by
 1005 chance; required disclosures; unlawful acts and practices;
 1006 penalties.-

1007 (2) Section ~~The provisions of s. 849.09~~ does shall not be
 1008 ~~construed to~~ prohibit an organization qualified under 26 U.S.C.

PCS for HB 5005

ORIGINAL

YEAR

1009 s. 501(c) (3), (4), (7), (8), (10), or (19) from conducting
 1010 drawings by chance pursuant to the authority granted by this
 1011 section, ~~provided the organization has complied with all~~
 1012 ~~applicable provisions of chapter 496.~~

1013 Section 33. Chapter 496, Florida Statutes, consisting of
 1014 sections 496.401, 496.402, 496.403, 496.404, 496.405, 496.406,
 1015 496.407, 496.409, 496.410, 496.411, 496.412, 496.413, 496.414,
 1016 496.415, 496.416, 496.417, 496.418, 496.419, 496.420, 496.421,
 1017 496.422, 496.423, 496.424, 496.425, 496.4255, and 496.426, is
 1018 repealed.

1019 Section 34. Paragraph (b) of subsection (3) of section
 1020 110.181, Florida Statutes, is amended to read:

1021 110.181 Florida State Employees' Charitable Campaign.—

1022 (3) RULEMAKING AUTHORITY; ADMINISTRATIVE REVIEW.—

1023 (b) Department action which adversely affects the
 1024 substantial interests of a party may be subject to a hearing.
 1025 The proceeding shall be conducted in accordance with chapter
 1026 120, ~~except that the time limits set forth in s. 496.405(7)~~
 1027 ~~shall prevail to the extent of any conflict.~~

1028 Section 35. Subsections (2) and (3) of section 316.2045,
 1029 Florida Statutes, are amended to read:

1030 316.2045 Obstruction of public streets, highways, and
 1031 roads.—

1032 (2) It is unlawful, without proper authorization or a
 1033 lawful permit, for any person or persons willfully to obstruct
 1034 the free, convenient, and normal use of any public street,
 1035 highway, or road by any of the means specified in subsection (1)
 1036 in order to solicit. Any person who violates the provisions of

PCS for HB 5005

ORIGINAL

YEAR

1037 | this subsection is guilty of a misdemeanor of the second degree,
 1038 | punishable as provided in s. 775.082 or s. 775.083.

1039 | Organizations qualified under s. 501(c)(3) of the Internal
 1040 | Revenue Code ~~and registered pursuant to chapter 496~~, or persons
 1041 | or organizations acting on their behalf are exempted from the
 1042 | provisions of this subsection for activities on streets or roads
 1043 | not maintained by the state. Permits for the use of any portion
 1044 | of a state-maintained road or right-of-way shall be required
 1045 | only for those purposes and in the manner set out in s. 337.406.

1046 | (3) Permits for the use of any street, road, or right-of-
 1047 | way not maintained by the state may be issued by the appropriate
 1048 | local government. An organization that is qualified under s.
 1049 | 501(c)(3) of the Internal Revenue Code ~~and registered under~~
 1050 | ~~chapter 496~~, or a person or organization acting on behalf of
 1051 | that organization, is exempt from local requirements for a
 1052 | permit issued under this subsection for charitable solicitation
 1053 | activities on or along streets or roads that are not maintained
 1054 | by the state under the following conditions:

1055 | (a) The organization, or the person or organization acting
 1056 | on behalf of the organization, must provide all of the following
 1057 | to the local government:

1058 | 1. No fewer than 14 calendar days prior to the proposed
 1059 | solicitation, the name and address of the person or organization
 1060 | that will perform the solicitation and the name and address of
 1061 | the organization that will receive funds from the solicitation.

1062 | 2. For review and comment, a plan for the safety of all
 1063 | persons participating in the solicitation, as well as the
 1064 | motoring public, at the locations where the solicitation will

PCS for HB 5005

ORIGINAL

YEAR

1065 take place.

1066 3. Specific details of the location or locations of the
1067 proposed solicitation and the hours during which the
1068 solicitation activities will occur.

1069 4. Proof of commercial general liability insurance against
1070 claims for bodily injury and property damage occurring on
1071 streets, roads, or rights-of-way or arising from the solicitor's
1072 activities or use of the streets, roads, or rights-of-way by the
1073 solicitor or the solicitor's agents, contractors, or employees.
1074 The insurance shall have a limit of not less than \$1 million per
1075 occurrence for the general aggregate. The certificate of
1076 insurance shall name the local government as an additional
1077 insured and shall be filed with the local government no later
1078 than 72 hours before the date of the solicitation.

1079 ~~5. Proof of registration with the Department of~~
1080 ~~Agriculture and Consumer Services pursuant to s. 496.405 or~~
1081 ~~proof that the soliciting organization is exempt from the~~
1082 ~~registration requirement.~~

1083 (b) Organizations or persons meeting the requirements of
1084 subparagraphs (a)1.-5. may solicit for a period not to exceed 10
1085 cumulative days within 1 calendar year.

1086 (c) All solicitation shall occur during daylight hours
1087 only.

1088 (d) Solicitation activities shall not interfere with the
1089 safe and efficient movement of traffic and shall not cause
1090 danger to the participants or the public.

1091 (e) No person engaging in solicitation activities shall
1092 persist after solicitation has been denied, act in a demanding

PCS for HB 5005

ORIGINAL

YEAR

1093 or harassing manner, or use any sound or voice-amplifying
 1094 apparatus or device.

1095 (f) All persons participating in the solicitation shall be
 1096 at least 18 years of age and shall possess picture
 1097 identification.

1098 (g) Signage providing notice of the solicitation shall be
 1099 posted at least 500 feet before the site of the solicitation.

1100 (h) The local government may stop solicitation activities
 1101 if any conditions or requirements of this subsection are not
 1102 met.

1103 Section 36. Subsection (8) of section 320.023, Florida
 1104 Statutes, is amended to read:

1105 320.023 Requests to establish voluntary checkoff on motor
 1106 vehicle registration application.—

1107 ~~(8) All organizations seeking to establish a voluntary~~
 1108 ~~contribution on a motor vehicle registration application that~~
 1109 ~~are required to operate under the Solicitation of Contributions~~
 1110 ~~Act, as provided in chapter 496, must do so before funds may be~~
 1111 ~~distributed.~~

1112 Section 37. Subsection (8) of section 322.081, Florida
 1113 Statutes, is amended to read:

1114 322.081 Requests to establish voluntary checkoff on
 1115 driver's license application.—

1116 ~~(8) All organizations seeking to establish a voluntary~~
 1117 ~~contribution on a driver's license application that are required~~
 1118 ~~to operate under the Solicitation of Contributions Act, as~~
 1119 ~~provided in chapter 496, must do so before funds may be~~
 1120 ~~distributed.~~

PCS for HB 5005

ORIGINAL

YEAR

1121 Section 38. Paragraph (d) of subsection (3) and paragraph
 1122 (d) of subsection (4) of section 413.033, Florida Statutes, are
 1123 amended to read:

1124 413.033 Definitions.—As used in ss. 413.032-413.037:

1125 (3) "Qualified nonprofit agency for the blind" means an
 1126 agency:

1127 (d) Which meets the criteria for determining nonprofit
 1128 status under the provisions of s. 196.195 ~~and is registered and~~
 1129 ~~in good standing as a charitable organization with the~~
 1130 ~~Department of Agriculture and Consumer Services under the~~
 1131 ~~provisions of chapter 496.~~

1132 (4) "Qualified nonprofit agency for other severely
 1133 handicapped" means an agency:

1134 (d) Which meets the criteria for determining nonprofit
 1135 status under the provisions of s. 196.195 ~~and is registered and~~
 1136 ~~in good standing as a charitable organization with the~~
 1137 ~~Department of Agriculture and Consumer Services under the~~
 1138 ~~provisions of chapter 496.~~

1139 Section 39. Subsection (2) of section 550.0351, Florida
 1140 Statutes, is amended to read:

1141 550.0351 Charity racing days.—

1142 (2) The proceeds of charity performances shall be paid to
 1143 qualified beneficiaries selected by the permitholders from an
 1144 authorized list of charities on file with the division. Eligible
 1145 charities include any charity that provides ~~evidence of~~
 1146 ~~compliance with the provisions of chapter 496 and~~ evidence of
 1147 possession of a valid exemption from federal taxation issued by
 1148 the Internal Revenue Service. In addition, the authorized list

PCS for HB 5005

ORIGINAL

YEAR

1149 must include the Racing Scholarship Trust Fund, the Historical
 1150 Resources Operating Trust Fund, major state and private
 1151 institutions of higher learning, and Florida community colleges.

1152 Section 40. Section 550.1647, Florida Statutes, is amended
 1153 to read:

1154 550.1647 Greyhound permitholders; unclaimed tickets;
 1155 breaks.—All money or other property represented by any
 1156 unclaimed, uncashed, or abandoned pari-mutuel ticket which has
 1157 remained in the custody of or under the control of any
 1158 permitholder authorized to conduct greyhound racing pari-mutuel
 1159 pools in this state for a period of 1 year after the date the
 1160 pari-mutuel ticket was issued, if the rightful owner or owners
 1161 thereof have made no claim or demand for such money or other
 1162 property within that period of time, shall, with respect to live
 1163 races conducted by the permitholder, be remitted to the state
 1164 pursuant to s. 550.1645; however, such permitholder shall be
 1165 entitled to a credit in each state fiscal year in an amount
 1166 equal to the actual amount remitted in the prior state fiscal
 1167 year which may be applied against any taxes imposed pursuant to
 1168 this chapter. In addition, each permitholder shall pay, from any
 1169 source, including the proceeds from performances conducted
 1170 pursuant to s. 550.0351, an amount not less than 10 percent of
 1171 the amount of the credit provided by this section to any bona
 1172 fide organization that promotes or encourages the adoption of
 1173 greyhounds. As used in this chapter, the term "bona fide
 1174 organization that promotes or encourages the adoption of
 1175 greyhounds" means any organization that ~~provides evidence of~~
 1176 ~~compliance with chapter 496~~ and possesses a valid exemption from

PCS for HB 5005

ORIGINAL

YEAR

1177 federal taxation issued by the Internal Revenue Service. Such
 1178 bona fide organization, as a condition of adoption, must provide
 1179 sterilization of greyhounds by a licensed veterinarian before
 1180 relinquishing custody of the greyhound to the adopter. The fee
 1181 for sterilization may be included in the cost of adoption.

1182 Section 41. Paragraph (a) of subsection (3) of section
 1183 741.0305, Florida Statutes, is amended to read:

1184 741.0305 Marriage fee reduction for completion of
 1185 premarital preparation course.—

1186 (3)(a) All individuals electing to participate in a
 1187 premarital preparation course shall choose from the following
 1188 list of qualified instructors:

- 1189 1. A psychologist licensed under chapter 490.
- 1190 2. A clinical social worker licensed under chapter 491.
- 1191 3. A marriage and family therapist licensed under chapter
 1192 491.
- 1193 4. A mental health counselor licensed under chapter 491.
- 1194 5. An official representative of a religious institution
 1195 ~~which is recognized under s. 496.404(19)~~, if the representative
 1196 has relevant training.

1197 6. Any other provider designated by a judicial circuit,
 1198 including, but not limited to, school counselors who are
 1199 certified to offer such courses. Each judicial circuit may
 1200 establish a roster of area course providers, including those who
 1201 offer the course on a sliding fee scale or for free.

1202 Section 42. Paragraph (a) of subsection (1) of section
 1203 775.0861, Florida Statutes, is amended to read:

1204 775.0861 Offenses against persons on the grounds of

PCS for HB 5005

ORIGINAL

YEAR

1205 religious institutions; reclassification.-
 1206 (1) For purposes of this section, the term:
 1207 (a) "Religious institution" means any church,
 1208 ecclesiastical or denominational organization, or established
 1209 physical place for worship in this state at which nonprofit
 1210 religious services and activities are regularly conducted and
 1211 carried on, and includes those bona fide religious groups which
 1212 do not maintain specific places of worship. The term includes
 1213 any separate group or corporation which forms an integral part
 1214 of a religious institution which is exempt from federal income
 1215 tax under the provisions of s. 501(c)(3) of the Internal Revenue
 1216 Code, and which is not primarily supported by funds solicited
 1217 outside its own membership or congregation ~~is as defined in s.~~
 1218 ~~496.404.~~

1219 Section 43. Paragraph (a) of subsection (8) of section
 1220 790.166, Florida Statutes, is amended to read:

1221 790.166 Manufacture, possession, sale, delivery, display,
 1222 use, or attempted or threatened use of a weapon of mass
 1223 destruction or hoax weapon of mass destruction prohibited;
 1224 definitions; penalties.-

1225 (8) For purposes of this section, the term "weapon of mass
 1226 destruction" does not include:

1227 (a) A device or instrument that emits or discharges smoke
 1228 or an offensive, noxious, or irritant liquid, powder, gas, or
 1229 chemical for the purpose of immobilizing, incapacitating, or
 1230 thwarting an attack by a person or animal and that is lawfully
 1231 possessed or used by a person for the purpose of self-protection
 1232 or, as provided in subsection (7), is lawfully possessed or used

PCS for HB 5005

ORIGINAL

YEAR

1233 by any member or employee of the Armed Forces of the United
 1234 States, a federal or state governmental agency, or a private
 1235 entity. A member or employee of a federal or state governmental
 1236 agency includes, but is not limited to, a law enforcement
 1237 officer, as defined in s. 784.07; a federal law enforcement
 1238 officer, as defined in s. 901.1505; a firefighter, as defined in
 1239 s. 633.30; and an ambulance driver, emergency medical
 1240 technician, or paramedic, as defined in s. 401.23 ~~emergency~~
 1241 ~~service employee, as defined in s. 496.404.~~

1242 Section 44. Paragraph (d) of subsection (3) of section
 1243 843.16, Florida Statutes, is amended to read:

1244 843.16 Unlawful to install or transport radio equipment
 1245 using assigned frequency of state or law enforcement officers;
 1246 definitions; exceptions; penalties.—

1247 (3) This section does not apply to the following:

1248 (d) Any sworn law enforcement officer as defined in s.
 1249 943.10; a firefighter, as defined in s. 633.30; or an ambulance
 1250 driver, emergency medical technician, or paramedic, as defined
 1251 in s. 401.23 ~~or emergency service employee as defined in s.~~
 1252 ~~496.404~~ while using personal transportation to and from work.

1253 Section 45. Section 500.459, Florida Statutes, is
 1254 repealed.

1255 Section 46. Section 500.511, Florida Statutes, is amended
 1256 to read:

1257 500.511 Bottled water plants; packed ice plants; Fees;
 1258 ~~enforcement;~~ preemption.—

1259 ~~(1) FEES. All fees collected under s. 500.459 shall be~~
 1260 ~~deposited into the General Inspection Trust Fund and shall be~~

PCS for HB 5005

ORIGINAL

YEAR

1261 ~~accounted for separately and used for the sole purpose of~~
 1262 ~~administering the provisions of such section.~~

1263 ~~(2) ENFORCEMENT AND PENALTIES. In addition to the~~
 1264 ~~provisions contained in s. 500.459, the department may enforce~~
 1265 ~~s. 500.459 in the manner provided in s. 500.121. Any person who~~
 1266 ~~violates a provision of s. 500.459 or any rule adopted under~~
 1267 ~~such section shall be punished as provided in such section.~~
 1268 ~~However, criminal penalties may not be imposed against any~~
 1269 ~~person who violates a rule.~~

1270 ~~(3) PREEMPTION OF AUTHORITY TO REGULATE. Regulation of~~
 1271 ~~bottled water plants, water vending machines, water vending~~
 1272 ~~machine operators, and packaged ice plants is preempted by the~~
 1273 ~~state. No county or municipality may adopt or enforce any~~
 1274 ~~ordinance that regulates the licensure or operation of bottled~~
 1275 ~~water plants, water vending machines, or packaged ice plants,~~
 1276 ~~unless it is determined that unique conditions exist within the~~
 1277 ~~county which require the county to regulate such entities in~~
 1278 ~~order to protect the public health. This subsection does not~~
 1279 ~~prohibit a county or municipality from requiring a business tax~~
 1280 ~~pursuant to chapter 205.~~

1281 Section 47. Sections 501.012, 501.0125, 501.013, 501.014,
 1282 501.015, 501.016, 501.017, 501.018, and 501.019, Florida
 1283 Statutes, are repealed.

1284 Section 48. Paragraph (d) of subsection (2) of section
 1285 501.165, Florida Statutes, is amended to read:

1286 501.165 Automatic renewal of service contracts.—

1287 (2) SERVICE CONTRACTS WITH AUTOMATIC RENEWAL PROVISIONS.—

1288 (d) This subsection does not apply to:

PCS for HB 5005

ORIGINAL

YEAR

1289 | 1. A financial institution as defined in s. 655.005(1)(h)
 1290 | or any depository institution as defined in 12 U.S.C. s.
 1291 | 1813(c)(2).
 1292 | 2. A foreign bank maintaining a branch or agency licensed
 1293 | under the laws of any state of the United States.
 1294 | 3. Any subsidiary or affiliate of an entity described in
 1295 | subparagraph 1. or subparagraph 2.
 1296 | ~~4. A health studio as defined in s. 501.0125(1).~~
 1297 | ~~4.5.~~ Any entity licensed under chapter 624, chapter 627,
 1298 | chapter 634, chapter 636, or chapter 641.
 1299 | ~~5.6.~~ Any electric utility as defined in s. 366.02(2).
 1300 | ~~6.7.~~ Any private company as defined in s. 180.05 providing
 1301 | services described in chapter 180 that is competing against a
 1302 | governmental entity or has a governmental entity providing
 1303 | billing services on its behalf.
 1304 | Section 49. Section 501.143, Florida Statutes, is
 1305 | repealed.
 1306 | Section 50. Section 205.1969, Florida Statutes, is
 1307 | repealed.
 1308 | Section 51. Part IV of chapter 501, Florida Statutes,
 1309 | consisting of sections 501.601, 501.602, 501.603, 501.604,
 1310 | 501.605, 501.606, 501.607, 501.608, 501.609, 501.611, 501.612,
 1311 | 501.613, 501.614, 501.615, 501.616, 501.617, 501.618, 501.619,
 1312 | 501.621, 501.622, 501.623, 501.624, 501.625, and 501.626, is
 1313 | repealed.
 1314 | Section 52. Section 205.1973, Florida Statutes, is
 1315 | repealed.

PCS for HB 5005

ORIGINAL

YEAR

1316 Section 53. Paragraph (b) of subsection (1) of section
 1317 501.165, Florida Statutes, is amended to read:
 1318 501.165 Automatic renewal of service contracts.—
 1319 (1) DEFINITIONS.—As used in this section:
 1320 (b) "Consumer" means a natural person ~~an individual, as~~
 1321 ~~defined in s. 501.603,~~ receiving service, maintenance, or repair
 1322 under a service contract. The term does not include an
 1323 individual engaged in business or employed by or otherwise
 1324 acting on behalf of a governmental entity if the individual
 1325 enters into the service contract as part of or ancillary to the
 1326 individual's business activities or on behalf of the business or
 1327 governmental entity.

1328 Section 54. Paragraph (c) of subsection (1) of section
 1329 648.44, Florida Statutes, is amended to read:
 1330 648.44 Prohibitions; penalty.—
 1331 (1) A bail bond agent or temporary bail bond agent may
 1332 not:
 1333 (c) Initiate in-person or telephone solicitation after
 1334 9:00 p.m. or before 8:00 a.m., in the case of domestic violence
 1335 cases, at the residence of the detainee or the detainee's
 1336 family. Any solicitation not prohibited by this chapter must
 1337 comply with the telephone solicitation requirements in s. ss.
 1338 ~~501.059(2) and (4), 501.613, and 501.616(6).~~

1339 Section 55. Paragraph (a) of subsection (1) of section
 1340 772.102, Florida Statutes, is amended to read:
 1341 772.102 Definitions.—As used in this chapter, the term:
 1342 (1) "Criminal activity" means to commit, to attempt to
 1343 commit, to conspire to commit, or to solicit, coerce, or

PCS for HB 5005

ORIGINAL

YEAR

1344 intimidate another person to commit:
 1345 (a) Any crime that is chargeable by indictment or
 1346 information under the following provisions:
 1347 1. Section 210.18, relating to evasion of payment of
 1348 cigarette taxes.
 1349 2. Section 414.39, relating to public assistance fraud.
 1350 3. Section 440.105 or s. 440.106, relating to workers'
 1351 compensation.
 1352 ~~4. Part IV of chapter 501, relating to telemarketing.~~
 1353 4.5. Chapter 517, relating to securities transactions.
 1354 ~~5.6.~~ Section 550.235 or s. 550.3551, relating to dogracing
 1355 and horseracing.
 1356 6.7. Chapter 550, relating to jai alai frontons.
 1357 ~~7.8.~~ Chapter 552, relating to the manufacture,
 1358 distribution, and use of explosives.
 1359 ~~8.9.~~ Chapter 562, relating to beverage law enforcement.
 1360 ~~9.10.~~ Section 624.401, relating to transacting insurance
 1361 without a certificate of authority, s. 624.437(4)(c)1., relating
 1362 to operating an unauthorized multiple-employer welfare
 1363 arrangement, or s. 626.902(1)(b), relating to representing or
 1364 aiding an unauthorized insurer.
 1365 ~~10.11.~~ Chapter 687, relating to interest and usurious
 1366 practices.
 1367 ~~11.12.~~ Section 721.08, s. 721.09, or s. 721.13, relating
 1368 to real estate timeshare plans.
 1369 ~~12.13.~~ Chapter 782, relating to homicide.
 1370 ~~13.14.~~ Chapter 784, relating to assault and battery.
 1371 ~~14.15.~~ Chapter 787, relating to kidnapping or human

PCS for HB 5005

ORIGINAL

YEAR

1372 trafficking.

1373 ~~15.16.~~ Chapter 790, relating to weapons and firearms.

1374 ~~16.17.~~ Section 796.03, s. 796.04, s. 796.045, s. 796.05,

1375 or s. 796.07, relating to prostitution.

1376 ~~17.18.~~ Chapter 806, relating to arson.

1377 ~~18.19.~~ Section 810.02(2)(c), relating to specified

1378 burglary of a dwelling or structure.

1379 ~~19.20.~~ Chapter 812, relating to theft, robbery, and

1380 related crimes.

1381 ~~20.21.~~ Chapter 815, relating to computer-related crimes.

1382 ~~21.22.~~ Chapter 817, relating to fraudulent practices,

1383 false pretenses, fraud generally, and credit card crimes.

1384 ~~22.23.~~ Section 827.071, relating to commercial sexual

1385 exploitation of children.

1386 ~~23.24.~~ Chapter 831, relating to forgery and

1387 counterfeiting.

1388 ~~24.25.~~ Chapter 832, relating to issuance of worthless

1389 checks and drafts.

1390 ~~25.26.~~ Section 836.05, relating to extortion.

1391 ~~26.27.~~ Chapter 837, relating to perjury.

1392 ~~27.28.~~ Chapter 838, relating to bribery and misuse of

1393 public office.

1394 ~~28.29.~~ Chapter 843, relating to obstruction of justice.

1395 ~~29.30.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,

1396 or s. 847.07, relating to obscene literature and profanity.

1397 ~~30.31.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or

1398 s. 849.25, relating to gambling.

1399 ~~31.32.~~ Chapter 893, relating to drug abuse prevention and

PCS for HB 5005

ORIGINAL

YEAR

1400 control.

1401 ~~32.33.~~ Section 914.22 or s. 914.23, relating to witnesses,

1402 victims, or informants.

1403 ~~33.34.~~ Section 918.12 or s. 918.13, relating to tampering

1404 with jurors and evidence.

1405 Section 56. Paragraph (a) of subsection (1) of section

1406 895.02, Florida Statutes, is amended to read:

1407 895.02 Definitions.—As used in ss. 895.01-895.08, the

1408 term:

1409 (1) "Racketeering activity" means to commit, to attempt to

1410 commit, to conspire to commit, or to solicit, coerce, or

1411 intimidate another person to commit:

1412 (a) Any crime that is chargeable by petition, indictment,

1413 or information under the following provisions of the Florida

1414 Statutes:

1415 1. Section 210.18, relating to evasion of payment of

1416 cigarette taxes.

1417 2. Section 316.1935, relating to fleeing or attempting to

1418 elude a law enforcement officer and aggravated fleeing or

1419 eluding.

1420 3. Section 403.727(3)(b), relating to environmental

1421 control.

1422 4. Section 409.920 or s. 409.9201, relating to Medicaid

1423 fraud.

1424 5. Section 414.39, relating to public assistance fraud.

1425 6. Section 440.105 or s. 440.106, relating to workers'

1426 compensation.

1427 7. Section 443.071(4), relating to creation of a

PCS for HB 5005

ORIGINAL

YEAR

1428 fictitious employer scheme to commit unemployment compensation
 1429 fraud.
 1430 8. Section 465.0161, relating to distribution of medicinal
 1431 drugs without a permit as an Internet pharmacy.
 1432 9. Section 499.0051, relating to crimes involving
 1433 contraband and adulterated drugs.
 1434 ~~10. Part IV of chapter 501, relating to telemarketing.~~
 1435 10.11. Chapter 517, relating to sale of securities and
 1436 investor protection.
 1437 ~~11.12.~~ Section 550.235 or s. 550.3551, relating to
 1438 dogracing and horseracing.
 1439 ~~12.13.~~ Chapter 550, relating to jai alai frontons.
 1440 ~~13.14.~~ Section 551.109, relating to slot machine gaming.
 1441 ~~14.15.~~ Chapter 552, relating to the manufacture,
 1442 distribution, and use of explosives.
 1443 ~~15.16.~~ Chapter 560, relating to money transmitters, if the
 1444 violation is punishable as a felony.
 1445 ~~16.17.~~ Chapter 562, relating to beverage law enforcement.
 1446 ~~17.18.~~ Section 624.401, relating to transacting insurance
 1447 without a certificate of authority, s. 624.437(4)(c)1., relating
 1448 to operating an unauthorized multiple-employer welfare
 1449 arrangement, or s. 626.902(1)(b), relating to representing or
 1450 aiding an unauthorized insurer.
 1451 ~~18.19.~~ Section 655.50, relating to reports of currency
 1452 transactions, when such violation is punishable as a felony.
 1453 ~~19.20.~~ Chapter 687, relating to interest and usurious
 1454 practices.
 1455 ~~20.21.~~ Section 721.08, s. 721.09, or s. 721.13, relating

PCS for HB 5005

ORIGINAL

YEAR

1456 to real estate timeshare plans.

1457 ~~21.22.~~ Section 775.13(5)(b), relating to registration of

1458 persons found to have committed any offense for the purpose of

1459 benefiting, promoting, or furthering the interests of a criminal

1460 gang.

1461 ~~22.23.~~ Section 777.03, relating to commission of crimes by

1462 accessories after the fact.

1463 ~~23.24.~~ Chapter 782, relating to homicide.

1464 ~~24.25.~~ Chapter 784, relating to assault and battery.

1465 ~~25.26.~~ Chapter 787, relating to kidnapping or human

1466 trafficking.

1467 ~~26.27.~~ Chapter 790, relating to weapons and firearms.

1468 ~~27.28.~~ Chapter 794, relating to sexual battery, but only

1469 if such crime was committed with the intent to benefit, promote,

1470 or further the interests of a criminal gang, or for the purpose

1471 of increasing a criminal gang member's own standing or position

1472 within a criminal gang.

1473 ~~28.29.~~ Section 796.03, s. 796.035, s. 796.04, s. 796.045,

1474 s. 796.05, or s. 796.07, relating to prostitution and sex

1475 trafficking.

1476 ~~29.30.~~ Chapter 806, relating to arson and criminal

1477 mischief.

1478 ~~30.31.~~ Chapter 810, relating to burglary and trespass.

1479 ~~31.32.~~ Chapter 812, relating to theft, robbery, and

1480 related crimes.

1481 ~~32.33.~~ Chapter 815, relating to computer-related crimes.

1482 ~~33.34.~~ Chapter 817, relating to fraudulent practices,

1483 false pretenses, fraud generally, and credit card crimes.

PCS for HB 5005

ORIGINAL

YEAR

1484 ~~34.35.~~ Chapter 825, relating to abuse, neglect, or
 1485 exploitation of an elderly person or disabled adult.
 1486 ~~35.36.~~ Section 827.071, relating to commercial sexual
 1487 exploitation of children.
 1488 ~~36.37.~~ Chapter 831, relating to forgery and
 1489 counterfeiting.
 1490 ~~37.38.~~ Chapter 832, relating to issuance of worthless
 1491 checks and drafts.
 1492 ~~38.39.~~ Section 836.05, relating to extortion.
 1493 ~~39.40.~~ Chapter 837, relating to perjury.
 1494 ~~40.41.~~ Chapter 838, relating to bribery and misuse of
 1495 public office.
 1496 ~~41.42.~~ Chapter 843, relating to obstruction of justice.
 1497 ~~42.43.~~ Section 847.011, s. 847.012, s. 847.013, s. 847.06,
 1498 or s. 847.07, relating to obscene literature and profanity.
 1499 ~~43.44.~~ Section 849.09, s. 849.14, s. 849.15, s. 849.23, or
 1500 s. 849.25, relating to gambling.
 1501 ~~44.45.~~ Chapter 874, relating to criminal gangs.
 1502 ~~45.46.~~ Chapter 893, relating to drug abuse prevention and
 1503 control.
 1504 ~~46.47.~~ Chapter 896, relating to offenses related to
 1505 financial transactions.
 1506 ~~47.48.~~ Sections 914.22 and 914.23, relating to tampering
 1507 with or harassing a witness, victim, or informant, and
 1508 retaliation against a witness, victim, or informant.
 1509 ~~48.49.~~ Sections 918.12 and 918.13, relating to tampering
 1510 with jurors and evidence.
 1511 Section 57. Chapter 507, Florida Statutes, consisting of

PCS for HB 5005

ORIGINAL

YEAR

1512 sections 507.01, 507.02, 507.03, 507.04, 507.05, 507.06, 507.07,
 1513 507.08, 507.09, 507.10, 507.11, 507.12, and 507.13, is repealed.

1514 Section 58. Section 205.1975, Florida Statutes, is
 1515 repealed.

1516 Section 59. Subsection (1) of section 509.242, Florida
 1517 Statutes, is amended to read:

1518 509.242 Public lodging establishments; classifications.—

1519 (1) A public lodging establishment shall be classified as
 1520 a hotel, motel, resort condominium, nontransient apartment,
 1521 transient apartment, ~~roominghouse~~, bed and breakfast inn, or
 1522 resort dwelling if the establishment satisfies the following
 1523 criteria:

1524 (a) Hotel.—A hotel is any public lodging establishment
 1525 containing sleeping room accommodations for 25 or more guests
 1526 and providing the services generally provided by a hotel and
 1527 recognized as a hotel in the community in which it is situated
 1528 or by the industry.

1529 (b) Motel.—A motel is any public lodging establishment
 1530 which offers rental units with an exit to the outside of each
 1531 rental unit, daily or weekly rates, offstreet parking for each
 1532 unit, a central office on the property with specified hours of
 1533 operation, a bathroom or connecting bathroom for each rental
 1534 unit, and at least six rental units, and which is recognized as
 1535 a motel in the community in which it is situated or by the
 1536 industry.

1537 (c) Resort condominium.—A resort condominium is any unit
 1538 or group of units in a condominium, cooperative, or timeshare
 1539 plan which is rented more than three times in a calendar year

PCS for HB 5005

ORIGINAL

YEAR

1540 for periods of less than 30 days or 1 calendar month, whichever
 1541 is less, or which is advertised or held out to the public as a
 1542 place regularly rented for periods of less than 30 days or 1
 1543 calendar month, whichever is less.

1544 (d) Nontransient apartment ~~or roominghouse~~.—A nontransient
 1545 apartment ~~or roominghouse~~ is a building or complex of buildings
 1546 in which 75 percent or more of the units are available for rent
 1547 to nontransient tenants.

1548 (e) Transient apartment ~~or roominghouse~~.—A transient
 1549 apartment ~~or roominghouse~~ is a building or complex of buildings
 1550 in which more than 25 percent of the units are advertised or
 1551 held out to the public as available for transient occupancy.

1552 ~~(f) Roominghouse.—A roominghouse is any public lodging~~
 1553 ~~establishment that may not be classified as a hotel, motel,~~
 1554 ~~resort condominium, nontransient apartment, bed and breakfast~~
 1555 ~~inn, or transient apartment under this section. A roominghouse~~
 1556 ~~includes, but is not limited to, a boardinghouse.~~

1557 (f) ~~(g)~~ Resort dwelling.—A resort dwelling is any
 1558 individually or collectively owned one-family, two-family,
 1559 three-family, or four-family dwelling house or dwelling unit
 1560 which is rented more than three times in a calendar year for
 1561 periods of less than 30 days or 1 calendar month, whichever is
 1562 less, or which is advertised or held out to the public as a
 1563 place regularly rented for periods of less than 30 days or 1
 1564 calendar month, whichever is less.

1565 (g) ~~(h)~~ Bed and breakfast inn.—A bed and breakfast inn is a
 1566 family home structure, with no more than 15 sleeping rooms,
 1567 which has been modified to serve as a transient public lodging

PCS for HB 5005

ORIGINAL

YEAR

1568 establishment, which provides the accommodation and meal
 1569 services generally offered by a bed and breakfast inn, and which
 1570 is recognized as a bed and breakfast inn in the community in
 1571 which it is situated or by the hospitality industry.

1572 Section 60. Subsection (9) of section 509.221, Florida
 1573 Statutes, is amended to read:

1574 509.221 Sanitary regulations.—

1575 (9) Subsections (2), (5), and (6) do not apply to any
 1576 facility or unit classified as a resort condominium,
 1577 nontransient apartment, or resort dwelling as described in s.
 1578 509.242(1)(c), (d), and (f)~~(g)~~.

1579 Section 61. Chapter 555, Florida Statutes, consisting of
 1580 sections 555.01, 555.02, 555.03, 555.04, 555.05, 555.07, and
 1581 555.08, is repealed.

1582 Section 62. Part VIII of chapter 559, Florida Statutes,
 1583 consisting of sections 559.80, 559.801, 559.802, 559.803,
 1584 559.805, 559.807, 559.809, 559.811, 559.813, and 559.815, is
 1585 repealed.

1586 Section 63. Part IX of chapter 559, Florida Statutes,
 1587 consisting of sections 559.901, 559.902, 559.903, 559.904,
 1588 559.905, 559.907, 559.909, 559.911, 559.915, 559.916, 559.917,
 1589 559.919, 559.920, 559.921, 559.9215, 559.922, 559.92201, and
 1590 559.9221, is repealed.

1591 Section 64. Paragraph (a) of subsection (9) of section
 1592 320.27, Florida Statutes, is amended to read:

1593 320.27 Motor vehicle dealers.—

1594 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1595 (a) The department may deny, suspend, or revoke any

PCS for HB 5005

ORIGINAL

YEAR

1596 license issued hereunder or under the provisions of s. 320.77 or
 1597 s. 320.771 upon proof that an applicant or a licensee has:

1598 1. Committed fraud or willful misrepresentation in
 1599 application for or in obtaining a license.

1600 2. Been convicted of a felony.

1601 3. Failed to honor a bank draft or check given to a motor
 1602 vehicle dealer for the purchase of a motor vehicle by another
 1603 motor vehicle dealer within 10 days after notification that the
 1604 bank draft or check has been dishonored. ~~If the transaction is
 1605 disputed, the maker of the bank draft or check shall post a bond
 1606 in accordance with the provisions of s. 559.917, and no
 1607 proceeding for revocation or suspension shall be commenced until
 1608 the dispute is resolved.~~

1609 4.a. Failed to provide payment within 10 business days to
 1610 the department for a check payable to the department that was
 1611 dishonored due to insufficient funds in the amount due plus any
 1612 statutorily authorized fee for uttering a worthless check. The
 1613 department shall notify an applicant or licensee when the
 1614 applicant or licensee makes payment to the department by a check
 1615 that is subsequently dishonored by the bank due to insufficient
 1616 funds. The applicant or licensee shall, within 10 business days
 1617 after receiving the notice, provide payment to the department in
 1618 the form of cash in the amount due plus any statutorily
 1619 authorized fee. If the applicant or licensee fails to make such
 1620 payment within 10 business days, the department may deny,
 1621 suspend, or revoke the applicant's or licensee's motor vehicle
 1622 dealer license.

1623 b. Stopped payment on a check payable to the department,

PCS for HB 5005

ORIGINAL

YEAR

1624 issued a check payable to the department from an account that
 1625 has been closed, or charged back a credit card transaction to
 1626 the department. If an applicant or licensee commits any such
 1627 act, the department may deny, suspend, or revoke the applicant's
 1628 or licensee's motor vehicle dealer license.

1629 Section 65. Paragraph (a) of subsection (1) of section
 1630 445.025, Florida Statutes, is amended to read:

1631 445.025 Other support services.—Support services shall be
 1632 provided, if resources permit, to assist participants in
 1633 complying with work activity requirements outlined in s.
 1634 445.024. If resources do not permit the provision of needed
 1635 support services, the regional workforce board may prioritize or
 1636 otherwise limit provision of support services. This section does
 1637 not constitute an entitlement to support services. Lack of
 1638 provision of support services may be considered as a factor in
 1639 determining whether good cause exists for failing to comply with
 1640 work activity requirements but does not automatically constitute
 1641 good cause for failing to comply with work activity
 1642 requirements, and does not affect any applicable time limit on
 1643 the receipt of temporary cash assistance or the provision of
 1644 services under chapter 414. Support services shall include, but
 1645 need not be limited to:

1646 (1) TRANSPORTATION.—Transportation expenses may be
 1647 provided to any participant when the assistance is needed to
 1648 comply with work activity requirements or employment
 1649 requirements, including transportation to and from a child care
 1650 provider. Payment may be made in cash or tokens in advance or
 1651 through reimbursement paid against receipts or invoices.

PCS for HB 5005

ORIGINAL

YEAR

1652 Transportation services may include, but are not limited to,
 1653 cooperative arrangements with the following: public transit
 1654 providers; community transportation coordinators designated
 1655 under chapter 427; school districts; churches and community
 1656 centers; donated motor vehicle programs, van pools, and
 1657 ridesharing programs; small enterprise developments and
 1658 entrepreneurial programs that encourage participants to become
 1659 transportation providers; public and private transportation
 1660 partnerships; and other innovative strategies to expand
 1661 transportation options available to program participants.

1662 (a) Regional workforce boards may provide payment for
 1663 vehicle operational and repair expenses, including repair
 1664 expenditures necessary to make a vehicle functional; vehicle
 1665 registration fees; driver's license fees; and liability
 1666 insurance for the vehicle for a period of up to 6 months.
 1667 Request for vehicle repairs must be accompanied by an estimate
 1668 of the cost prepared by a repair facility ~~registered under s.~~
 1669 ~~559.904.~~

1670 Section 66. Paragraph (i) of subsection (1) of section
 1671 713.585, Florida Statutes, is redesignated as paragraph (h),
 1672 subsections (12) and (13) of that section are renumbered as
 1673 subsections (11) and (12), respectively, and present paragraph
 1674 (h) of subsection (1) and present subsection (11) of that
 1675 section is amended, to read:

1676 713.585 Enforcement of lien by sale of motor vehicle.—A
 1677 person claiming a lien under s. 713.58 for performing labor or
 1678 services on a motor vehicle may enforce such lien by sale of the
 1679 vehicle in accordance with the following procedures:

PCS for HB 5005

ORIGINAL

YEAR

1680 (1) The lienor must give notice, by certified mail, return
 1681 receipt requested, within 15 business days, excluding Saturday
 1682 and Sunday, from the beginning date of the assessment of storage
 1683 charges on said motor vehicle, to the registered owner of the
 1684 vehicle, to the customer as indicated on the order for repair,
 1685 and to all other persons claiming an interest in or lien
 1686 thereon, as disclosed by the records of the Department of
 1687 Highway Safety and Motor Vehicles or of a corresponding agency
 1688 of any other state in which the vehicle appears registered. Such
 1689 notice must contain:

1690 ~~(h) Notice that the owner of the vehicle has a right to~~
 1691 ~~recover possession of the vehicle without instituting judicial~~
 1692 ~~proceedings by posting bond in accordance with the provisions of~~
 1693 ~~s. 559.917.~~

1694 ~~(11) Nothing in this section shall operate in derogation~~
 1695 ~~of the rights and remedies established by s. 559.917.~~

1696 Section 67. Part XI of chapter 559, Florida Statutes,
 1697 consisting of sections 559.926, 559.927, 559.928, 559.9285,
 1698 559.929, 559.9295, 559.931, 559.932, 559.933, 559.9335, 559.934,
 1699 559.935, 559.9355, 559.936, 559.937, 559.938, and 559.939, is
 1700 repealed.

1701 Section 68. Section 205.1971, Florida Statutes, is
 1702 repealed.

1703 Section 69. Subsections (21) through (28) of section
 1704 501.604, Florida Statutes, are renumbered as subsections (20)
 1705 through (28), respectively, and present subsection (20) of that
 1706 section is amended to read:

1707 501.604 Exemptions.—The provisions of this part, except

PCS for HB 5005

ORIGINAL

YEAR

1708 ss. 501.608 and 501.616(6) and (7), do not apply to:
 1709 ~~(20) A person who is registered pursuant to part XI of~~
 1710 ~~chapter 559 and who is soliciting within the scope of the~~
 1711 ~~registration.~~
 1712 Section 70. Paragraph (b) of subsection (1) of section
 1713 501.608, Florida Statutes, is amended to read:
 1714 501.608 License or affidavit of exemption; occupational
 1715 license.—
 1716 (1)
 1717 (b) Any commercial telephone seller claiming to be exempt
 1718 from the act under s. 501.604(2), (3), (5), (6), (9), (10),
 1719 (11), (12), (17), (20) ~~(21)~~, (21) ~~(22)~~, (23) ~~(24)~~, or (25) ~~(26)~~
 1720 must file with the department a notarized affidavit of
 1721 exemption. The affidavit of exemption must be on forms
 1722 prescribed by the department and must require the name of the
 1723 commercial telephone seller, the name of the business, and the
 1724 business address. Any commercial telephone seller maintaining
 1725 more than one business may file a single notarized affidavit of
 1726 exemption that clearly indicates the location of each place of
 1727 business. If a change of ownership occurs, the commercial
 1728 telephone seller must notify the department.
 1729 Section 71. Subsection (5) of section 636.044, Florida
 1730 Statutes, is amended to read:
 1731 636.044 Agent licensing.—
 1732 ~~(5) A person registered as a seller of travel under s.~~
 1733 ~~559.928 is not required to be licensed under this section in~~
 1734 ~~order to sell prepaid limited health service contracts that~~
 1735 ~~cover the cost of transportation provided by an air ambulance~~

PCS for HB 5005

ORIGINAL

YEAR

1736 ~~service licensed pursuant to s. 401.251. The prepaid limited~~
 1737 ~~health service contract for such coverage is, however, subject~~
 1738 ~~to all applicable provisions of this chapter.~~

1739 Section 72. Paragraph (d) of subsection (3) of section
 1740 721.11, Florida Statutes, is amended to read:

1741 721.11 Advertising materials; oral statements.-

1742 (3) The term "advertising material" does not include:

1743 (d) Any audio, written, or visual publication or material
 1744 relating to the promotion of the availability of any
 1745 accommodations or facilities, or both, for transient rental,
 1746 ~~including any arrangement governed by part XI of chapter 559,~~ so
 1747 long as a mandatory tour of a timeshare plan or attendance at a
 1748 mandatory sales presentation is not a term or condition of the
 1749 availability of such accommodations or facilities, or both, and
 1750 so long as the failure of any transient renter to take a tour of
 1751 a timeshare plan or attend a sales presentation does not result
 1752 in the transient renter receiving less than what was promised to
 1753 the transient renter in such materials.

1754 Section 73. Section 686.201, Florida Statutes, is
 1755 repealed.

1756 Section 74. Section 817.559, Florida Statutes, is
 1757 repealed.

1758 Section 75. This act shall take effect July 1, 2011.